

REMARKS

The Office Action mailed November 6, 2006, has been received and reviewed. All claims are presently rejected, although claims 23 and 24 were identified as containing allowable subject matter. Applicants have thus amended claims 23 and 24 so that the claims can be allowed and thus clarify issues for appeal. All amendments are made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

A. Obviousness-Type Double Patenting Rejections:

All claims except claims 23 and 24 stand rejected for alleged obviousness-type double patenting (ODP) over U.S. Patents 6,340,595 and 6,413,776. Applicants respectfully traverse the rejections for, for example, the reasons set forth in the response filed January 30, 2006, the contents of which are incorporated herein as though fully set forth herein. As previously identified, applicants intend to appeal this issue.

The claims (other than claims 23 and 24) also stand provisionally rejected over various co-pending applications, one of which has issued as a patent. (Office Action, pages 3-6). The Examiner helpfully suggested the following:

“Applicant might consider responding to the new rejections set forth below by simply acknowledging the provisional rejections, and indicating that terminal disclaimers would be filed when the claims are otherwise allowable, i.e. should Applicant prevail in their intended appeal, since the applications listed below are or appear to be commonly assigned with the instant application.”

Applicants thus hereby acknowledge the provisional rejections and hereby indicate appropriate terminal disclaimers will be filed when the claims are otherwise allowable.

Applicants are, however, also submitting a terminal disclaimer over U.S. Patent 7,132,280, which is the patent that issued from an application that forms part of the provisional rejections (*i.e.*, USSN 10/237,007).

B. Allowable Subject Matter:

Claims 23 and 24 were objected to as being dependent upon a rejected base claim, but were considered allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have done so.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', with a stylized, flowing script.

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